

MINUTES OF A MEETING OF THE  
UNIVERSITY SENATE 2/9/62

The University Senate met at 2 pm, Friday, February 9, 1962, President Carroll presiding.

As a précis of the previous minutes had been distributed, reading of the minutes was waived, and the minutes were approved as distributed.

President Carroll made the following announcements:

- 1) Career Conference, Wednesday, February 14, 1962 - he requested all faculty members to cooperate.
- 2) Debate Scholarships: The Board of Trustees has considered the recommendations of the Senate that these scholarships be extended from one year to four years. It was the decision of the Board of Trustees that one four-year Debate Scholarship be awarded each year.
- 3) Incomplete Grades: These grades had been carried over in many instances beyond the one full calendar year allowed. President Carroll requested Mr. Tupper to refer the matter to the appropriate Senate Committee for study and recommendations in order that a clear statement of policy may be made.

Mr. Tupper, Chairman of the Executive Committee, thanked the non-member Chairmen of the Senate Committees who had accepted the special invitation to attend Senate meetings.

Mr. Tupper then outlined the Senate Calendar to the end of the semester as follows:

- 1) Friday, April 13, 1962 - The Executive Committee will appoint a nominating committee to submit a slate of names for election of a new Executive Committee for the 1962/63 Senate term.

Each committee and subcommittee will submit in writing (at least one week prior to this meeting) a brief report, not to exceed two pages, on its activities for the year and its plans for next year.

- 2) Friday, May 11, 1962: The Executive Committee will ask for the comments of the Senate members on the Annual Report of the Executive Committee which will have been distributed by May 4, 1962.

The Nominating Committee appointed by the Executive Committee will submit its slate and an election of an Executive Committee for next year will then be held.

Mr. Tupper stated that constitutionally elections must take place before May 10, 1962. President Carroll will send out notifications that elections shall take place on or before May 1st, 1962.

The Report of the Committee on Research - Mr. Grisamore, Chairman  
A discussion of the methods of

- I. Publicizing the amount of research being done at the University.
  - A. How knowledge of research activities might be disseminated throughout the University.
    1. Establishment of a Research Information Center in Dean Van Evera's office.
    2. The establishment of a channel of communication so that all deans and chairmen of departments may be aware of what types of research are going on and the progress being made.
    3. Broadening the research coverage in the Alumni Review.
  - B. How research activity might be fostered by the University
    1. Catalog of facilities and aids available for use in such research.
    2. Possibility of designating a central location where equipment, reference materials, etc. could be assembled for use in doing such work.

The Report of the Committee on Professional Ethics and Academic Freedom. -  
Mr. Gray, Chairman.

Motion was made, seconded, and carried that "the revised draft of the Code and Ordinances Governing the Academic Personnel of the University be received" and discussion followed. Mr. Gray outlined the background which resulted in the present draft and after lengthy discussion of some of the language contained in the draft and the new sections added, it was the sense of the Senate that further time should be given to study the draft as now written. Detailed discussion was postponed until another meeting.

Owing to the lateness of the hour and the inclement weather, the reports of the Educational Policy and Library Committees were deferred to a later meeting.

The meeting adjourned at 4:45 pm.

*Frederick R. Houser*  
FREDERICK R. HOUSER  
SECRETARY OF THE FACULTIES



To: Members of the University Senate  
From: Senate Committee on Professional Ethics and Academic Freedom  
Subject: Report of the Committee

The attached draft of our recommended revisions of certain provisions of the 1958 Edition of the Code and Ordinances Governing the Academic Personnel of the University is intended solely as a step in ascertaining and crystalizing the thinking and wishes of the Faculty in this undertaking. At this stage, the Committee has felt that it would be premature, and even presumptuous, to attempt to anticipate the possible reactions of the Board of Trustees, and even of the Administration, except as members of the Faculty. Such reactions will be brought to bear in due time after the Faculty has arrived at its own consensus. Meanwhile, the problems of carpentering and phrasing a draft that can serve as a working basis for ascertaining and crystalizing this consensus has proved quite challenging enough for the present.

This draft stems from: (1) the existing Code; (2) the "common law" of interpretations and practice as they have grown up in this University; (3) ideas derived from various members of the Faculty; (4) accepted concepts of good academic practice as they have been formulated elsewhere, including, a) "Academic Freedom and Tenure, Statement of Principles, 1940," officially endorsed by nine organizations including the Association of American Colleges and the American Association of University Professors (see AAUP Bulletin, Spring, March 1958, pp.289-295), b) "Recommended Institutional Regulations on Academic Freedom and Tenure" (AAUP, August 4, 1957, document No. 133-1-61), c) "Statement on Procedural Standards in Faculty Dismissal Proceedings," prepared by a joint committee representing the Association of American Colleges and the American Association of University Professors, AAUP Bulletin, March, 1958, pp. 270-274, d) Codes of other Universities,

e) proposals under consideration by the Association of American Law Schools; and, (5) the combined and representative experiences of the members of your Committee, aggregating the better part of a century in this and other institutions of higher learning.

Perhaps the most substantial change, one in procedures but not in spirit, is the recasting of Article IX of the existing Code. Important too, is the proposing of more flexible and realistic dates for notification in Article V of the non-renewal of a term appointment. Of central interest will be the proposal to put into the Code in Article IV as Subsection D what has already developed generally, if somewhat unevenly, in regard to faculty participation in the making of academic and academic-administrative appointments.

It is our understanding that after action by the Senate on these proposals, they will be circulated among the Faculty for formal action by the Faculty Assembly before being submitted through the appropriate Administrative officers to the Board of Trustees.

We should remind ourselves that revisions of the Code are being proposed without particular reference to the present personnel of the Faculty, Administration, or Board of Trustees. Our actions, even modified by changes and amendments, must serve not only for present but for future needs of the University.

Respectfully submitted,

Wood Gray, (Sen.)(Hist.), Chairman  
Thelma Hunt, (Psych.)  
Nels D. Nelson (Math.)  
Reuben E. Wood (Chem.)  
Gust A. Ledakis (Sen.)(Law)  
Archibald M. Woodruff, Dean of  
the School of Government, Business,  
and International Affairs, ex officio



CONFIDENTIAL

DRAFT OF PROPOSED REVISIONS OF THE 1958 EDITION  
OF THE CODE AND ORDINANCES GOVERNING THE ACADEMIC  
PERSONNEL OF THE UNIVERSITY

Submitted by

Senate Committee on Professional Ethics and Academic  
Freedom

Drafting Note

(Words, numerals, and headings, stricken by a continuous line, are to be repealed. Words, numerals, and headings to be added are underlined. Unless stricken or underlined, the text is as in the 1958 edition.)

## Topic Reference Outline

### IV. APPOINTMENT, REAPPOINTMENT, TENURE AND PROMOTION

#### A. Appointments

1. Statement of Terms and Conditions
2. Limited Service
3. Full-time Service
  - a. Kinds of Appointment
  - b. Probationary Appointments
    - 1) New Appointments
    - 2) Maximum Period
    - 3) Stated Periods by Rank
      - a) Instructors
      - b) Assistant Professors
      - c) Associate Professors
      - d) Professors

#### B. Tenure

1. Active Status - full-time service
2. Active Status - administrative

#### C. Promotion

#### D. Faculty Participation in Appointments, Promotions, Tenure Designations, Renewals, Terminations

### V. TERMINATION OF SERVICE

#### A. Expiration of Definite Period Appointments

#### B. Termination of Probationary Appointment

1. Notice of Non-renewal of Probationary Period
2. Notice by Member of Termination or Declination of Renewal
3. Procedure for Contesting Non-renewal and Termination of Probationary Appointment
  - a. Violation of Academic Freedom
  - b. Dismissal and Late Notice

#### C. Termination of Continuous Tenure

1. Grounds for Termination
  - a. Adequate Cause
  - b. Extraordinary Financial Emergency

### IX. GRIEVANCE PROCEDURE

#### A. Preliminary Proceedings

#### B. Formal Proceedings

1. Hearing Committee
2. Committee Jurisdiction
3. Commencement of Formal Proceedings
4. Suspension of the Faculty Member
5. Hearing Committee Rules and Procedure
6. Consideration, Findings, and Decision by Hearing Committee
7. Consideration and Action by the Senate
8. Consideration and Action by the Board of Trustees
9. Publicity



#### IV. APPOINTMENT, REAPPOINTMENT, TENURE AND PROMOTION

The following principles, standards, and procedures in regard to appointment, reappointment, tenure, and promotion are in force:

##### A. Appointments

##### 1. Statement of Terms and Conditions

~~Every new-appointment-shall-be-in-writing-and-shall-be-issued in-accordance-with-the-provisions-of-this-Code-which-shall-be-made-available-to the-proposed-appointee-at-or-before-the-time-of-the-consummation-of-the-appointment.~~

a. Except as otherwise provided in Sections 1b and 1c, the precise terms and conditions of every contract of appointment shall be stated in writing. Each appointment shall be issued in accordance with and subject to the provisions of this Code. A copy of such terms and conditions and of this Code shall be in the possession of both the University and the proposed appointee before the appointment is consummated.

6. b. Members of the faculty or administrative staff who have received appointments with continuous tenure will no longer receive contracts of appointment but will be notified in writing of salary allowance.

c. Notice of the terms and conditions of a renewal appointment will in all cases be given not later than April 1 of the academic year preceding the year of the renewal appointment.

##### 2. Limited Service

~~2.~~ Adjunct professors, clinical professors, professorial lecturers, associate clinical professors, associate professorial lecturers, assistant clinical professors, associates (clinical medical), lecturers, clinical instructors, associates, teaching fellows, fellows, and graduate teaching assistants will be appointed annually. Such appointments may be renewed an unlimited number of times.

### 3. Full-Time Service

#### a. Kinds of Appointment

With the exception of temporary appointments for specifically limited terms, all active status appointments of full time service (See Article I, Section B, paragraph 1), to the rank of instructor or higher will be of two kinds: (1) probationary appointments, and (2) appointments with continuous tenure.

#### b. Probationary Appointments

##### 1) New Appointments

1. All-new-appointees-to-the-staff,-regardless-of-rank,-will serve-a-probationary-period-of-stated-length.

Except in special circumstances, all new active status appointments of full-time service, regardless of rank, will be for a probationary period of stated length.

##### 2) Maximum Period

Probationary appointments may be for one year or for other stated periods, subject to renewal; but the total probationary period will not exceed seven years, exclusive of leaves of absence, but including previous full-time service with the rank of instructor or higher in other institutions of higher learning; provided, that in the case of a faculty member called from another institution, it may be required that he serve in probationary status for a period not to exceed four years, even though thereby his total probationary period in the academic profession is extended beyond seven years.

##### 3) Stated Periods by Rank

###### a) Instructors

3. Instructors will be appointed annually. If an instructor is not promoted in rank by the time he has been on the faculty or staff for <sup>two</sup> ~~three~~ years, his appointment will not be renewed except by special action of the Board of Trustees upon the recommendation of the appropriate-University-officers faculty



IV. APPOINTMENT, REAPPOINTMENT, TENURE AND PROMOTION (Contd)

A. Appointments (Contd)

3. Full Time Service (Contd)

b. Probationary Appointments (Contd)

3) Stated Periods by Rank (Contd)

a) Instructors (contd)

a) Contd)

of the appropriate department, school or college in accordance with established  
procedures. In computing this <sup>-two</sup> three year period, time spent on leaves of absence will not be counted.

b) Assistant Professors

Assistant professors will be appointed for a period of one, two, or three years. If an assistant professor is not promoted in rank by the time he has served as assistant professor for five years, his appointment will not be renewed except by special action of the Board of Trustees upon recommendation of the appropriate-University-officers faculty of the appropriate department, school or college in accordance with established procedures. In computing this maximum probationary period, time spent on leaves of absence will not be counted.

c) Associate Professors

Associate professors will be appointed for a period of not more than three years.

d) Professors

Professors will be appointed for a period of not more than two years.

B. Tenure

1. Active Status - Full-Time Service

5a)-Professors-and-associate-professors,-with-the-exception-of-these serving-definitely-stated-periods,-have-tenure-status.

a. Promotion of a member of the staff in active status and in full-time service from a lower rank to that of associate professor or professor shall confer continuous tenure.

b. An associate professor or a professor in active status and in full-time service holding a probationary appointment will be granted continuous tenure after the expiration of the probationary period upon recommendation of the faculty of the appropriate department, school or college in accordance with established procedures unless notice of termination is given pursuant to Article V.

c. Any instructor or assistant professor in active status and in full-time service who has completed the maximum probationary period specified in Article IV, Section A, Paragraph 3b2), shall be granted continuous tenure at the expiration of such period upon recommendation of the faculty of the appropriate department, school or college in accordance with established procedure unless notice of termination is given pursuant to Article V.

## 2. Active Status - Administrative

b) Members of the administrative staff have academic status and tenure status only when authorized by the Board of Trustees of the University. (See Article I, Section B, Paragraph 5.)

## C. Promotion

7. Promotion in rank is dependent upon growth in professional competence. Such growth may be evidenced by increasing teaching ability, productive scholarship, participation and leadership in professional societies, public service, service on University committees, or a combination of the above. It is expected that as a general practice a promotion in rank shall be accompanied by an appropriate increase in salary.

## D. Faculty Participation in Appointments, Promotions, Tenure Designations, Renewals, Terminations

1. In recognition of the responsibilities of the Faculty in the formulation and implementation of educational policy, the Faculty shall exercise substantial control over all academic and academic-administrative appointments, and over all renewals, promotions, tenure designations, terminations, and dismissals, of an academic nature.



a. This control shall be assured by procedures through which the full-time members of a department or of a non-departmentalized school or college, the tenure members, the senior members, or an elected representative committee thereof, as appropriate in each case, shall initiate formal actions affecting the composition of the Faculty.

b. It shall be assured also by procedures through which the faculty of a department shall initiate formal recommendations for the selection of its chairmen; the faculty of a school or college, its dean, associate deans, and assistant deans by a specially designated elected committee thereof; and the Faculty of the University, its President, Provost and Dean (and associate and assistant) of Faculties by a specially designated elected committee thereof.

2. Except in rare cases for compelling reasons, no faculty appointment, promotion, tenure designation, renewal, or termination of a probationary appointment will be made or denied, and no appointment as a dean, associate dean, assistant dean of a school or college, or as a chairman of a department, will be made over the opposition of a majority of the faculty members voting on the question.

a. The determination of "rare cases for compelling reasons" and proposals for a resolution of the disagreement shall be vested in the Executive Committee of the University Senate or, with the approval of the Senate, in such special committee as it may appoint.

b. If, and as it deems necessary, the Executive Committee, or such special committee, as the case may be, may conduct investigations and make findings relating to the disagreement and may recommend to the parties concerned proposals for its resolution.

## V. TERMINATION OF SERVICE

A. Expiration of Definite Period Appointments

3. All appointments for a definite period of service (one semester -- one, two, or three years) expire automatically with the completion of such period of service.<sup>4</sup>

B. Termination of Probationary Appointment1. Notice of Non-renewal of Probationary Period

~~Members-of-the-faculty-or-staff-on-full-time-service-whose-appointments--  
re-fer-periods-of-two-semesters-or-more-shall-be-notified-prior-to-the-beginning--  
of-the-last-University-semester-of-their-service-if-it-is-the-intention-of-the-  
University-not-to-renew-such-appointments.-~~

Written notice that a probationary appointment is not to be renewed  
will be given to the faculty member in advance of the expiration of his appointment,  
according to the following minimum periods of notice:

a. not later than March 1 of the first academic year of faculty  
service in the University;

b. not later than December 1 of the second academic year of  
such service.

c. not later than July 1 preceding the final academic year after  
more than two academic years of such service in the University.

2. Notice by Member of Termination or Declination of Renewal

~~4. A-member-of-the-faculty-or-staff-who-wishes-to-terminate-his-connection  
with-the-University-shall-give-notice-prior-to-the-beginning-of-the-last-semester-  
during-which-he-proposes-to-serve-the-University,-or-within-thirty-days-after-the-  
contract-for-the-following-year-is-received.~~

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<sup>4</sup> See Article IV



## B. Termination of Probationary Appointment (Contd)

2. Notice by Member of Termination or Declination of Renewal (Contd)

a. If a member of the staff who is not a member of the faculty (see Article I, footnote 1) wishes to terminate his connection with the University, he shall give notice prior to the beginning of the last semester during which he proposes to serve the University, or within thirty days after the contract for the following year is received, whichever date is later.

not intended to do anything

b. If a member of the faculty desires to terminate an existing appointment, or to decline a renewal in the absence of notice of non-renewal, he shall give notice not later than April 1 if his rank is instructor or assistant professor, and not later than March 1 if his rank is higher, or, in all cases within thirty days after receiving notice of the terms of his employment for the next academic year, whichever date is later; but he may properly request a waiver of this requirement in case of hardship or in a situation where he would otherwise be denied substantial professional advancement.

3. Procedure for Contesting Non-renewal and Termination of Probationary Appointmenta. Violation of Academic Freedom

If a faculty member on probationary appointment alleges that a decision not to reappoint him is caused by considerations violative of academic freedom, the matter shall proceed in the manner set forth in Article IX, except that the faculty member will be responsible for stating the grounds on which he bases his allegations and the burden of proof rests on him.

b. Dismissal and Late Notice

Dismissal of a faculty member during a limited appointment, or the non-renewal of a probationary appointment with less advance notice than that specified in Article V, Section B, Paragraph 1, shall be preceded by a statement of reasons and shall be subject to the procedure set forth in Article IX.

## C. Termination of Continuous Tenure

### 1. Grounds for Termination

Until retirement of the faculty member in accordance with the provisions of this Code (see Article VII) and subject to the procedure in Article IX, an appointment with continuous tenure is terminable by the University only for adequate cause or on account of extraordinary financial emergencies, after not less than twelve months' notice to the faculty member.

- a. Adequate Cause *(shall include, but shall not be limited to:*  
Adequate cause shall mean:

- 1) Incompetence
- 2) Gross neglect of duty
- 3) Dishonesty or immorality
- 4) Conviction of a felony

- b. Extraordinary Financial Emergency<sup>ies</sup>

3. 1) Termination of an appointment of <sup>continuous</sup> tenure status because of extraordinary financial exigencies emergencies will be considered only as a last resort, after every effort has been made by the University administration to meet the need in other ways as well as to find for the member of the faculty other satisfactory employment in the University.

2) If an appointment with continuous tenure is terminated because of an extraordinary financial emergency, the released faculty member's (place) will not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment and has declined.

*Proven Gover Disputes Relating To Termua, Dismissal  
non Renewal and Violations of Privileges*

IX Faculty-Advisory-Committees GRIEVANCE PROCEDURE

1. Any member of the Staff who feels that his privileges under this Code are not being respected may have the matter reviewed by a special committee of the Academic Council.

2. Any administrative officer of the University having faculty status is likewise privileged to have a special committee review any case involving the dismissal of a member of the faculty who has tenure status or to consider other personnel problems, such as incompetence, inefficiency, disloyalty, or unprofessional conduct of a member of the faculty.

3. The member of the faculty or the administrative officer desiring the appointment of such a committee shall make his request in writing to the Academic Council. The Council shall then select a committee of five members. Both the faculty member and the administrative officers concerned in the case shall have an unlimited number of peremptory challenges in the selection of the committee, and the committee finally selected shall have the approval of the parties concerned.

4. A committee so appointed shall serve only for the specific case in question. The parties concerned shall be privileged to be present at all hearings. The opinion of the committee shall be advisory. Written copies of the opinion shall be given to the parties concerned.

A. Preliminary Proceedings

*by formal proceedings*

1. No ~~formal~~ charges by or against a faculty member shall be brought until every reasonable effort has been made to remedy the situation through informal personal consultation and conference by the appropriate administrative officers or by the faculty member's colleagues.



2. If a satisfactory adjustment does not result from informal personal consultation and conference, the matter shall be referred to in writing to the University Senate through the Executive Committee. The Senate, on nomination of the Executive Committee, shall appoint a special committee, none of whose members shall be members of the Senate Committee on Professional Ethics and Academic Freedom. The Special Committee shall informally inquire into the matter to effect a mutually satisfactory understanding or adjustment.

3. If a mutually satisfactory understanding or adjustment is not effected, the Special Committee shall then determine whether in its view formal proceedings to consider the matter should be instituted. If the Special Committee recommends that such proceedings be commenced, or if the President, even after considering a recommendation of the Special Committee favorable to the faculty member, expresses his conviction that a proceeding should be undertaken, action shall be commenced before the Senate Committee on Professional Ethics and Academic Freedom in accordance with the procedures specified in paragraph B.

4. Except where there is disagreement, a written statement with reasonable particularity of the charges against the faculty member shall be jointly formulated by the President and the Special Committee. If there is disagreement, the Special Committee alone, or the President or his representative, shall formulate the statement.

B. Formal Proceedings

1. Hearing Committee

a. The Senate Committee on Professional Ethics and Academic Freedom as constituted pursuant to the Faculty Organization Plan shall be the standing committee established to conduct, as the Hearing Committee, formal proceedings involving disputes within its jurisdiction.

b. No member of the Hearing Committee shall sit in a case which involves a member of his department, or of his college or school, if it is not departmentalized. A member of the Hearing Committee may also disqualify himself. The faculty member charged, before or at the outset of the hearing, may exercise one <sup>peremptory</sup> ~~pre-emptory~~ challenge and unlimited challenges for cause against members of the Hearing Committee, including replacements. The <sup>Executive</sup> Senate shall act on such challenges and necessary replacements. If a member of the Hearing Committee is so challenged or disqualified, the Senate upon recommendation of the Executive Committee of the Senate shall appoint a faculty member having tenure to act in place of the challenged or disqualified member.

c. When finally constituted, the members of the Hearing Committee shall elect their own chairman to preside for the duration of the formal proceedings. In the interim, the Chairman of the Senate Committee on Professional Ethics and Academic Freedom shall serve as Chairman of the Hearing Committee.

## 2. Committee Jurisdiction

The Hearing Committee on Professional Ethics and Academic Freedom shall conduct formal proceedings concerning disputes relating to 1) termination for cause of an appointee with continuous tenure; 2) dismissal of a faculty member during a limited appointment; 3) the non-renewal of a probationary appointment with less advance notice than that specified in Article V, Section B, paragraph 1; 4) non-renewal of a probationary appointment for considerations allegedly violative of academic freedom; 5) alleged violations of privileges granted by this Code to members of the faculty, which are referred to it by the Special Committee, or by the President, or by any aggrieved faculty member.

### 3. Commencement of formal proceedings

a. Formal proceedings before the Hearing Committee concerning disputes relating to either the termination for cause of an appointee with continuous tenure or the dismissal of a faculty member during a limited appointment  
shall <sup>may</sup> be commenced by a written communication signed by the President and <sup>the</sup> chairman of the Special Committee or by the President as provided in paragraph A, 3<sup>4</sup> addressed to the Chairman of the Hearing Committee setting forth the text of the statement formulated. If no such action is taken by the President and/or the Chairman of the Special Committee, a faculty member subject to removal may institute proceedings before the Hearing Committee by a written communication, signed and presented in the same manner, setting forth his grounds for opposing the action taken or impending against him and requesting a hearing thereon.

b. Formal proceedings before the Hearing Committee concerning disputes relating either to the non-renewal of a probationary appointment with less advance notice than that specified in Article V, Section B, paragraph 1, or the non-renewal of a probationary appointment for considerations violative of academic freedom, or violations of privileges granted by this Code to the faculty member may be commenced by a written communication signed by the faculty member addressed to the Chairman of the Hearing Committee setting forth his grounds for opposing the action taken or impending against him and requesting a hearing thereon.

c. Upon receipt of such written communication from the President and/or the Special Committee, as the case may be, the Chairman of the Hearing Committee shall cause a copy of it to be delivered or mailed to the faculty member affected by the proposed action. Upon receipt of such a written statement from a faculty member, the said Chairman shall cause a copy of it to be delivered or mailed to the President.



#3. Commencement of Formal Proceedings (Contd)

d. Within twenty days after delivery or mailing of a copy of the written statement the person to whom it has been delivered or mailed shall present to the Chairman of the Hearing Committee a written answer containing such admissions, denials, or other relevant statements as he deems appropriate. Upon receipt of this written answer, the Chairman of said Committee shall cause a copy of it to be mailed or delivered to the signer of the written statement.

e. Upon receipt of the written answer or upon default thereof, the Hearing Committee shall fix a hearing and advise the signer of the written statement and the person to whom the copy thereof was served of the time and place at which the matter will be heard by the Hearing Committee.

4. Suspension of the Faculty Member

Suspension of the faculty member during the formal proceedings or prior thereto is justified only if immediate harm to himself or others is threatened by his continuance. The Senate upon recommendation of the Special Committee or the Hearing Committee may recommend to the Board of Trustees through the President that the faculty member be suspended. Suspension shall ~~ordinarily~~ be without reduction in pay.

5. Hearing Committee Rules and Procedure

a. At the hearing and in conference a majority of the Hearing Committee constitutes a quorum.

b. A full stenographic record of the hearing shall be made and shall be available to all parties concerned.

c. The Hearing Committee, in consultation with the President and the faculty member, shall exercise its judgment as to whether the hearing shall be public or private.

5. Hearing Committee Rules and Procedure (Contd)

d. The Hearing Committee shall determine the order of proof, conduct the questioning of witnesses, and, if necessary, secure the presentation of evidence important to the case.

e. If any facts are in dispute, the testimony of witnesses and other evidence concerning the matter set forth in the written statement and the answer shall be received.

f. If the hearing involves any charge of professional incompetence on the part of a faculty member, testimony of scholars in his field, whether within or without the University, shall be considered if offered.

g. The President shall have the option of attendance during the hearings. Because he must judge the findings and recommendations, he shall not be present at the final deliberations.

h. Each party to the hearing is entitled to representation by any person of his choice.

i. The faculty member shall have the privilege of being present at all Hearing Committee sessions when testimony is being heard.

j. Each party shall have the right to call witnesses, and shall have the aid of the Hearing Committee, when needed, in securing the attendance of witnesses or the production of evidence.

k. The faculty member or his counsel and the representative designated by the President shall have the right, within reasonable limits, to question all witnesses who testify orally.

l. Each party shall have the opportunity to be confronted by all witnesses adverse to him. Where unusual and urgent reasons move the Hearing Committee to withhold this right, or where the witness cannot appear, the identity of the witness, as well as his statement shall nevertheless be disclosed and written interrogatories permitted. Subject to these safeguards, statements may, when necessary, be taken outside the hearing and reported to it.

## 5. Hearing Committee Rules and Procedure (Contd)

m. The hearing shall be conducted according to such supplementary rules as the Hearing Committee may establish. The Hearing Committee shall be guided, but not necessarily bound, by the rules of evidence and procedure observed in courts of law.

## 6. Consideration, Findings, and Decision by Hearing Committee

a. The Hearing Committee shall reach its decision in conference, on the basis of the hearing. Before doing so, it shall give opportunity to the faculty member or his counsel and the representative designated by the President to argue orally before it. - Re S L

b. The Hearing Committee may proceed to decision promptly, without having the record of the hearing transcribed, where it feels that a just decision can be reached by this means; or it may await the availability of a transcript of the hearing if its decision would be aided thereby. , unless either party requests that a decision be based on a written transcript

c. The Hearing Committee shall make explicit findings with respect to each of the issues presented and a reasoned opinion may be rendered. rendered

d. The President and the faculty member shall be notified of the decision in writing and shall be given a copy of the record of the hearing.

## 7. Consideration and Action by the Senate

The Hearing Committee shall submit through the Executive Committee its decision in writing to the Senate for such consideration and action as the Senate may deem appropriate, including but not limited to rejection, adoption, modification, or remand. If final action is taken by the Senate adverse to the faculty member in question (whether or not acquiesced <sup>in</sup> by the President), or if final action is taken in the Senate favorable to the faculty member in question but is not acquiesced to by the President, the Senate shall submit through the President a report to the appropriate committee of the Board of Trustees. No report on final action favorable to the faculty member in question and acquiesced <sup>in</sup> by the President shall be submitted through the President to the appropriate committee of the Board of Trustees unless requested by the President, or by the Bd of Trustees



## 8. Consideration and Action by the Board of Trustees

After transmittal by the President of the report of the Senate as provided in Article IX, Section B, paragraph 7, the Board of Trustees may review the matter. If the Board of Trustees elects to review the matter, its review shall be based on the record, findings, and decision of the Hearing Committee, and the action of the Senate. Such review shall be accompanied by opportunity for argument, oral or written, or both, by the principals at the hearing or their representatives. The action of the Senate shall be either sustained or the matter remanded to the Senate with objections specified. In such a case, the Senate shall reconsider or take such other action as may be appropriate, taking into account the stated objections. The Senate shall frame its report and communicate it through the President to the Board of Trustees. After study of the Senate's report, the Board of Trustees may make a final decision sustaining or <sup>modifying</sup> overruling the Senate <sup>action.</sup>

## 9. Publicity

Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements about the case by either the faculty member or administrative officers shall be avoided ~~as far~~ <sup>except for such simple etc.</sup> as possible until the proceedings have been completed. Publicity concerning the Hearing Committee's decision shall be withheld until final disposition of the case by the Board of Trustees. Announcement of the final decision shall include a statement of the Hearing Committee and the Senate's action. Any release to the public of the Hearing Committee or the Senate's action shall be made through the President's office.